



PATENT APPLICATION
Attorney Docket No: 28341/6227.NCP

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Application of: Lowery et al.

Serial No: 09/445,199

Filed: April 6, 2000

For: ANTI-BACTERIAL VACCINE
COMPOSITION

Group Art Unit: 1645

Examiner: V. Portner

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AMENDMENT AND RESPONSE UNDER 37 C.F.R. §1.111 ACCOMPANYING
REQUEST FOR CONTINUING EXAMINATION UNDER 37 C.F.R. §1.114

Commissioner for Patents
Washington, DC 20231

Sir:

This accompanies a Request for Continuing Examination (RCE) submitted herewith under 37 C.F.R. §1.114 and is in response to the Final Office Action dated September 23, 2002 (hereinafter, the "Office Action") by the U.S. Patent and Trademark Office in the above-referenced application. In the Office Action, the rejections of claims 1 and 3-33 under 35 U.S.C. § 112, first paragraph, were maintained for assertedly lacking written descriptive support and lacking enablement commensurate with the scope of the claims. Additionally, the rejection of claims 1, 3-24, and 31-33 under 35 U.S.C. § 112, second paragraph, for asserted indefiniteness were maintained by the Examiner. The rejection of claims 1, 3-5 and 31-32 under 35 U.S.C. §102(b) as assertedly being anticipated by the disclosure of Nakamoto *et al., J. Biol. Chem.* 268:867-872 (1993) (hereinafter, "Nakamoto") was maintained. Reconsideration and withdrawal of the rejections is solicited for the reasons set out below. This response is timely filed as it is accompanied by a petition for an extension of time and the requisite fee.